



Dkt. 59167/JPW/JML/YFL

SECTOR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David J. Pinsky
Serial No.: 09/374,586
Filed: August 13, 1999 Group Art Unit: 1614
For: CD39/ECTO-ADPASE AS A TREATMENT FOR THROMBOTIC
AND ISCHEMIC DISORDERS

1185 Avenue of the Americas
New York, New York 10036
October 13, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts
Application Processing Division
Special Processing and Correspondence Branch

Sir:

**COMMUNICATION IN RESPONSE TO MAY 28, 1999
NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER
37 C.F.R. §1.53(d), VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(d) - NONPROFIT ORGANIZATION AND REQUEST FOR REFUND**

This Communication is submitted in response to the August 31, 1999 Notice to File Missing Parts of Application issued by the United States Patent and Trademark office in connection with the above-identified application. A copy of the notice is enclosed herewith as **Exhibit 1**. A response to the August 31, 1999 Notice is due October 31, 1999. Since October 31, 1999 is a Sunday, a response filed on the next business day is to be considered timely. A response filed on Monday, November 1, 1999 is to be considered timely. Accordingly, this Communication is being timely filed.

In response to the August 31, 1999 Notice, applicant attaches hereto as **Exhibit 2**, an original Declaration and Power of Attorney signed by David J. Pinsky. The Declaration refers to the application's above-identified serial number and filing date. The surcharge for submitting the Declaration and Power of

Applicant: David J. Pinsky
U.S. Serial No.: 09/374,586
Filed: August 13, 1999
Page 2

Attorney under 37 C.F.R. §1.53(e) is SIXTY-FIVE DOLLARS (\$65.00) for a for small entity. Applicant submits herewith a Verified Statement(Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) And §1.27(d) - Nonprofit Organization (**Exhibit 3**) to establish small entity status. The Verified Statement is signed by the authorized official of the entity to whom the applicant has assigned the rights in the subject application, The Trustees of Columbia University in the City of New York, a nonprofit organization. A check in the sum of SIXTY-FIVE DOLLARS (\$65.00) is enclosed to cover the surcharge fee under 37 C.F.R. §1.16 (e).

A fee of \$868.00 was originally paid in connection with the filing of a New Patent Application on August 13, 1999. The corresponding fee for a small entity is \$434.00. Since all rights under this application are assigned to a small entity and since this request is being made within two months of the August 13, 1999 Communication, i.e. before October 13, 1999, a refund in the amount of \$434.00 is hereby requested pursuant to 37 C.F.R. §1.28(a). This refund should be credited to Deposit Account No. 03-3125.

Applicant: David J. Pinsky
U.S. Serial No.: 09/374,586
Filed: August 13, 1999
Page 3

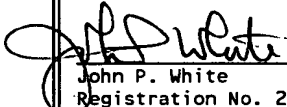
No fee, other than the SIXTY-FIVE DOLLARS (65.00) surcharge fee, is deemed necessary in connection with the filing of this Communication. However, if any other fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231.



John P. White
Registration No. 28,678

10/13/99
Date



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JPW

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/374,586	08/13/99	PINSKY	D. 59167/JPW/JM

0232/0831

JOHN P WHITE
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

NOT ASSIGNED

1614

DATE MAILED:

08/31/99
10/31/99
2/29/2000

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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U.S. PAT. & TM. OFF. 448-824